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BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 ) CC Docket No. 95-116  
Telephone Number Portability ) (NSD File No. L-98-84)

**COMMENTS OF SBC COMMUNICATIONS, INC.**

Now comes SBC Communications, Inc. on behalf of its wireless and wireline subsidiaries<sup>1</sup> and files these Comments regarding the North American Numbering Council's recommendations concerning the integration of local exchange carrier (LEC) and Commercial Mobile Radio Service (CMRS) local number portability (LNP).<sup>2</sup> As this Commission recognized early on in the process, wireless number portability "presents technical burdens unique to the provision of seamless roaming" on wireless networks.<sup>3</sup>

To state that wireline and wireless technologies are different is to state the inherently obvious—wireless customers can travel and use their handsets virtually anywhere in the United States and in many instances can be reached merely by dialing their phone number. Wireline telephones likewise use the telephone numbers to route the calls but the number is tied to a particular wire in a particular location. Telephone numbers consist of an NPA, which is the first 3 digits and is sometimes referred to as the area code, the NXX, which is the second three digits and is sometimes referred to as the central office number and the line number, which is normally depicted as XXXX. Thus, telephone numbers are depicted as NPA-NXX-XXXX. The telephone number in the

<sup>1</sup> Southwestern Bell Telephone Company, Pacific Bell, Nevada Bell and SBC Wireless, Inc. (Southwestern Bell Mobile Systems, Inc., Southwestern Bell Wireless Inc. and Pacific Bell Mobile Services).

<sup>2</sup> "Wireline-Wireless Integration Report."

<sup>3</sup> In the Matter of Telephone Number Portability, CC Docket 95-116, First Report and Order and Further Notice of Proposed Rulemaking, para. 164 (Released July 2, 1996).

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wireline setting was traditionally used to direct the call to a wire center using the NPA/NXX and then the last four digits were tied to a particular wire coming out of that wire center and going to the home or business. In wireless, the NPA/NXX is used to route the call to a mobile telephone switching office (MTSO), which then broadcasts the number throughout the carrier's licensed service area or a major portion of such area. Likewise, if the wireless customer is outside of its home service area, the customer's carrier is generally going to send that call to a distant MTSO serving the area where the customer is roaming, who is then going to broadcast it throughout its service area or a large portion thereof to reach the customer.<sup>4</sup> This explanation admittedly over simplifies the complexities involved in delivering calls pursuant to both technologies. The explanation however demonstrates the differences in the basic structures of the technologies and underscores the difficult task the North American Numbering Council and the various working groups faced in preparing the Integration Report. The task is not as simple as merely grafting wireless onto the architecture and procedures recommended and adopted by the Commission for wireline local number portability.

As noted in the Integration Report there are some fundamental issues which could not be decided in the framework of the working groups and which require specific direction from the Commission. Of particular note and as more fully explained in these comments, the Commission needs to address the following issues:

1. Effect of rate center disparities and the impact on ability to port;
2. Provisioning Time Frames and the effect of any disparities;

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<sup>4</sup> This assumes that the customer is roaming in an area that has call delivery capabilities with the home market.

3. Clarification of the statement that carriers must continue to “support nationwide roaming” in an LNP environment.

The Commission needs to give the industry guidance and direction on how the Commission will view the presence of disparities or non-compliance with its other rules (e.g. discriminatory treatment based on technology).

1. **The Commission Needs to Address the Disparity Created by the Differing Service Area of the Wireless Providers.**

In the Second Report and Order<sup>5</sup> the Commission adopted the wireline NANC LNP Architecture and Administrative Plan report, which provides that “portability is technically limited to rate center/rate district boundaries of the incumbent LEC due to rating/routing concerns”.<sup>6</sup> Thus, a wireline to wireline port is limited to the area served by the particular rate center. The obvious difference in wireless vs. wireline technology—the mobility of the wireless customers—creates a disparity in the ability to port. A wireline customer changing to a wireless carrier is able to port their number regardless of the physical location within the wireless service area. A wireless customer changing to a wireline competitor however may only port their number if the desired physical location of the phone coincides with the rate center of the NPA/NXX of the wireless number.

As the Report notes, there was a lack of consensus within the WWITF<sup>7</sup> as to whether such difference constituted a “lack of competitive parity”. The simple facts are:

1. A wireless competitor can port any wireline customer onto its network regardless of the customer’s physical location within the wireless

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<sup>5</sup> In the Matter of Telephone Number Portability, CC Docket 95-116, Second Report and Order (Released August 18, 1997).

<sup>6</sup> NANC LNP Architecture & Administrative Plan, Section 7.3.

<sup>7</sup> Wireless Wireline Integration Task Force.

service area and such customer's use of the phone will not be limited to the specific rate center of that NPA/NXX.

2. A wireline competitor will not be able to port a wireless customer onto its network unless the physical location of the customer's phone is within the rate center associated with that particular NPA/NXX of the customer's telephone number.

The fact that one competitor is restricted in a manner that another potential competitor is not demonstrates a lack of parity--views as to whether it is a "material" disparity is likely to depend on whether you are a wireline provider or wireless provider and perhaps ultimately on the level of competition that develops between wireless and wireline providers. Consensus was also not reached at the WWITF/LNPAWG as to a solution as to the issue.

Thus, the Commission needs to give the industry guidance as to whether this disparity in porting is acceptable. A clear indication from the Commission is needed to avoid any claim that treating a wireline provider differently than a wireless provider in the ability to port violates any Commission rule. In short, the Commission should state whether complete parity under this scenario is a requirement and if not, state that the presence of such a disparity is not the basis of any claim of discriminatory treatment. In addition, given the changing nature of competition, the Commission should be open to revisiting the disparity issue if in the future it can be shown that the disparity does create a "competitive disparity".

## **2. Disparity in Provisioning.**

Section 3.3.2.3 of the Integration Report suggests a 2.5-hour porting process on wireless to wireless ports. This recommendation, received from the Cellular Telephone Industry Association's (CTIA) Subject Matter Workshop, includes a Firm Order

Confirmation (FOC) of thirty (30) business minutes and two (2) business hours for the porting process.

These recommendations reflect the simplicity of provisioning a wireless to wireless port. Unlike wireline there are no unbundled elements and considerably less facilities and operational work necessary to accomplish the port. While the 2.5 hour wireless to wireless port was an agreed upon estimate amongst the wireless carriers, the timeframe appears rational -- given the lack of any practical experience in such ports, only time and practical experience will tell.

The wireline industry agreed upon, and the Commission adopted, a maximum one-day for the FOC process and three days for the porting process. As noted in the Integration Report, while the wireless industry found the wireline timeframes acceptable for wireless to wireline ports, they seek a reduced porting interval for ports from wireline to wireless than that which was negotiated and agreed upon by the wireline industry for wireline to wireline ports.<sup>8</sup>

As noted in the Integration Report there has been no significant porting experience in the wireline industry to date. In addition, the date for wireless portability is June 30, 1999 at the earliest.<sup>9</sup> Thus, the Integration Report notes that "before a determination to shorten porting intervals can be considered, the wireline industry recommends that an analysis be performed to evaluate the impacts of actual porting experience on systems and work processes effected by the proposed shortened

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<sup>8</sup> Integration Report Section 3.3.3.3.

<sup>9</sup> CTIA has filed two petitions in this Docket seeking relief from the June 30, 1999 deadline, one requesting the Bureau to exercise its delegated authority and grant a nine-month extension and one requesting forbearance from the requirements for a longer period.

intervals”.<sup>10</sup> The LNPA WG developed a schedule whereby the “WWITF will work to review the systems and work processes in order to determine the reduction in porting interval from wireline to wireless carriers” with a final recommendation presented to the NANC no later than December 31, 1998.

SBC is concerned as to whether enough meaningful experience in porting will be gained to determine what appears to be a move from the negotiated agreed upon maximum time intervals to a mandated interval for wireline to wireless ports. As the Integration Report notes the maximum intervals were set cautiously in order to “develop a quality porting process to avoid negative customer impact”.<sup>11</sup> In addition, the intervals were set up as “maximums” based on industry wide agreement and capabilities—carriers are free to negotiate shorter intervals based on their respective capabilities. Negotiated shorter intervals based on the individual carrier’s views of its capabilities help to assure a port that is seamless to the customer and thus avoids negative customer reaction. If industry agreed upon intervals are revised, care needs to be taken to avoid setting unrealistically short intervals based upon one technology’s ability to turn on service rather than both technologies abilities. Such care is essential to assure a port which is seamless to the customer and that all service affecting impacts are considered (e.g. updating 9-1-1 databases).

The differing time frames on a wireline to wireless port as compared to a wireless to wireline port or wireline to wireline port may also be viewed as a “competitive disparity”. The Commission again needs to affirmatively state whether such a disparity is acceptable. If the Commission sanctions a shorter provisioning interval on wireline to

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<sup>10</sup> Integration Report, Section 3.3.3.3

wireless ports than on wireline to wireline ports or wireless to wireline ports, it likewise should again affirmatively state that such disparity cannot be the basis of a claim of discrimination. In addition, given the changing nature of competition the Commission should be open to revisiting the disparity issue if in the future it can be shown that the disparity does create a “competitive disparity”.

### **3. Ability to Support Nationwide Roaming**

The Commission, in mandating wireless number portability, expressly stated that the implementation must “include the ability to support nationwide roaming”.<sup>12</sup> SBC and various other parties have noted throughout this proceeding the monumental task associated with wireless number portability from a roaming prospective.<sup>13</sup> Pursuant to the original standards set by the Commission, cellular phones emit a Mobile Identification Number and unique Electronic Serial Number, which is then used for validation and routing of calls. Since the inception of cellular, the 10 digit telephone number has served as the Mobile Identification Number (MIN). Roaming and its accompanying operational and billing processes rely heavily on the MIN, and in particular the NPA/NXX portion of the MIN being associated with a single provider. The MIN, and especially the NPA/NXX portion of the MIN, is a primary foundation blocks of the roaming system.

The Commission’s wireless number portability mandate suddenly eliminated the industry’s ability to rely on the MIN/telephone number as it had in the past for roaming purposes. Working together, the industry determined that in order to preserve as much of

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<sup>11</sup> Integration Report, Section 3.3.2.7.

<sup>12</sup> First Report and Order, para. 166.

the existing roaming processes as possible, with the least amount of customer inconvenience, the industry should move from a single mobile identification number (i.e. MIN) to multiple identifiers. Thus, instead of a single identification number that is the same as the directory telephone number, the industry has adopted a system whereby there will be two identifiers:

- A Mobile Directory Number (MDN) that will serve as the telephone number; and
- A Mobile Identification Number (MIN) that will identify the physical mobile station

Wireless handsets currently emit the MIN that coincides with the MDN. Thus, the plan is that the MIN will remain the MDN for current telephones in service, thus eliminating any need for the reprogramming of individual handsets. When the number ports the MIN will be changed to another number, thus creating the separation of the MIN and MDN. The wireless handset will then emit the new MIN rather than the MDN (i.e. the old MIN). Switch software needs to be developed and switches upgraded to match the MIN to the MDN for call delivery and operational purposes, with corresponding changes being made in billing and other operational support systems.

In clarifying the requirements of wireless providers the Commission specifically stated that by June 30, 1999 "CMRS providers must (1) offer service provider portability in the top 100 MSAs and (2) **be able to support nationwide roaming.**"<sup>14</sup> Thus, while wireless number portability is only mandated in the top 100 MSAs initially, such

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<sup>13</sup> See, e.g., SBC Comments, CC Docket 95-116, filed September 15, 1995 pp. 6, 15 Appendix F; Comments of Southwestern Bell Mobile Systems, Inc. pp. 13-18, CC Docket 94-54, filed June 14, 1995.

<sup>14</sup> In the Matter of Telephone Number Portability, CC Docket No. 95-116, First Memorandum Opinion and Order on Reconsideration, para.136 (Released March 11, 1997).



implementation effects all wireless carriers because of the requirement that all carriers must support nationwide roaming.

The Integration Report and the attachment to the NANC Transmittal letter notes that the Commission should specifically define what is meant by “the ability to support nationwide roaming”. The only clarification the Commission can rationally make is that the phrase “ability to support nationwide roaming” was meant to require carriers to support “manual roaming”<sup>15</sup> for ported customers—the same requirement as for any other customer today.<sup>16</sup> In fact, in adopting the “ability to support nationwide roaming” criteria the Commission cited the latest Order addressing the manual roaming requirement and noted parenthetically “(imposing manual roaming non-discrimination requirements)”.<sup>17</sup> There is no record in the local number portability docket to support changing the rule from requiring manual roaming to requiring some other type of roaming. The Commission did not raise the question of a change in the roaming requirements in any Notice of Proposed Rulemaking or Order in this docket.

Roaming has flourished in the wireless industry without regulatory mandates. The best interest of the customer is served by continuing to allow the carriers the opportunity to decide what features beyond manual roaming will be offered. Carriers in the non-Top 100 MSAs will need to decide whether any potential loss of revenue from requiring ported customers to roam manually justifies the expenses associated with

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<sup>15</sup> Manual roaming is the process whereby the customer wanting to place a call must first establish a relationship with the visiting carrier and accomplishes this by using a credit card or calling card. Manual roaming does not prohibit 9-1-1 calls or require the entry of a credit card number on such calls. Where wireless 9-1-1 service is available the call is handled as any other 9-1-1 call.

<sup>16</sup> 47 CFR 20.12.

<sup>17</sup> See, First Report and Order, fn. 485, citing, In the Matter of Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, CC 94-54, Second Report and Order and Third Notice of Proposed Rulemaking, (Released August 13, 1996).

upgrading its systems to support some other type of roaming. Some small rural carriers may determine that such upgrades simply are not cost justified based on the amount of roamer revenue received and their customer's opposition to raising local charges to subsidize the upgrades. Other carriers in non-100 top MSA markets may decide to upgrade to allow placing and receiving calls through a form of automatic roaming without requiring receipt of the MDN, thus, avoiding the need to upgrade to receive and make use of the MDN. Still other carriers may decide to upgrade to receive the MDN so that features requiring receipt of the MDN by the visited switch can be offered. The Commission should continue to allow carriers to make the most efficient decision regarding roaming based on the individual characteristics of the local market and their customers' needs.

### CONCLUSION

For the reasons stated herein, the Commission should give the industry direction on the issues of disparity and should confirm, that its statement "ability to support nationwide roaming" was not meant to create new roaming obligations on carriers but rather a means to continue to support "manual roaming".

Respectfully Submitted,

SBC COMMUNICATIONS, INC.

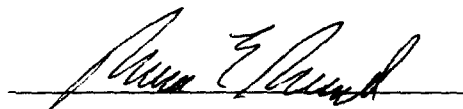
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CERTIFICATE OF SERVICE

I, Bruce E. Beard, on behalf of Southwestern Bell Communications, Inc., hereby certify that on this 7<sup>th</sup> day of August, 1998, a copy of the foregoing was mailed by U.S. Mail, postage prepaid, or otherwise delivered to the parties listed below.

A handwritten signature in cursive script, appearing to read "Bruce E. Beard", is written over a horizontal line.

Dated August 7, 1998

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